

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS

CITIBANK, N.A., AS TRUSTEE,)	
)	
Plaintiff,)	Civil No. 05-40045-FDS
)	
v.)	
)	
JOHN P. PHELAN, WENDY M. PHELAN,)	
DAVID LABRIE, THE UNITED STATES)	
OF AMERICA, O'CALLAGHAN)	
CONSTRUCTION CO., and THE)	
COMMONWEALTH OF MASSACHUSETTS)	
DEPARTMENT OF REVENUE,)	
)	
Defendants.)	

PARTIES' PROPOSED RULE 16 JOINT STATEMENT

Pursuant to Local Rule 16.1, the parties hereby submit the following proposed joint statement:

1. Initial Disclosures: Initial Disclosures required by Fed.R.Civ.Pro. 26(a)(1) will be completed by September 1, 2005.
2. Amendments to Pleadings: The parties propose a deadline of August 31, 2005 to amend the pleadings or assert a new claim or defense.
3. Fact Discovery: The parties request sixty (60) days to pursue fact discovery as the only facts at issue in this proceeding relate to the relative priority of each of the defendants' claims against the surplus proceeds held by plaintiff Citibank. A final discovery deadline would therefore be October 25, 2005.
4. The parties propose that a status conference be held on November 3,

2005, if this matter has not been resolved prior to that date.

5. The parties do not anticipate that expert discovery will be necessary in this case.
6. The parties propose that a dispositive motion deadline be set for November 28, 2005, with oppositions to those motions due on December 12, 2005.
7. The parties propose that a pre-trial conference be held on January 6, 2006.


PLAINTIFF
Citibank, N.A.:

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/s/ William Palmer (by telephone consent)
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DEFENDANT
United States of America:

/s/ Lydia Bottome Turanchik
LYDIA BOTTOME TURANCHIK, Esq.
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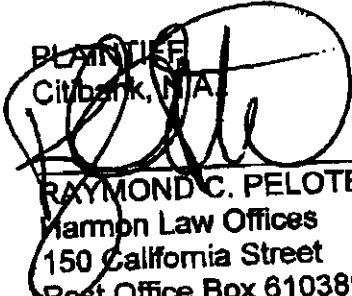
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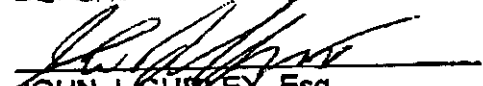
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